

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 8, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Bastian, Edmunson, Ring, Wills.
Total -- 4.

Total -- 70.

Prayer was offered by Representative Field(23).

The Pledge of Allegiance was led by Kaylin Daniels, Page.

Approval of Journal

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 7, 2005

Mr. Speaker:

I transmit herewith **SCR 104, SCR 105, S 1019, S 1032, S 1033, S 1013, S 1014, S 1016, and S 1040** which have passed the Senate.

WOOD, Secretary

SCR 104, SCR 105, S 1019, S 1032, S 1033, S 1013, S 1014, S 1016, and S 1040 were filed for first reading.

February 7, 2005

Mr. Speaker:

I return herewith **HCR 5** which has passed the Senate.

WOOD, Secretary

HCR 5 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HJM 3, H 123, H 124, H 125, and H 126**.

FIELD(18), Chairman

HJM 3 and **H 123** were referred to the Health and Welfare Committee.

H 124, H 125, and H 126 were referred to the Revenue and Taxation Committee.

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 3** and **HCR 4**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 3** and **HCR 4**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 4** and **H 9** to the Governor at 11:25 a.m., as of this date, February 7, 2005.

FIELD(18), Chairman

February 7, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 91** and **HJM 1** and recommend that they do pass.

STEVENSON, Chairman

H 91 and **HJM 1** were filed for second reading.

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 48** and **H 59** and recommend that they do pass.

DEAL, Chairman

H 48 and **H 59** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**HOUSE CONCURRENT RESOLUTION NO. 7
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE SESSION LAWS,
FIXING THE PRICE FOR PRINTING THE SAME, AND THE
PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR
COPIES OF THE SESSION LAWS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho hereinafter referred to as the Joint Committee;

BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the printing of the Session Laws of the First and Second Regular Sessions, Fifty-eighth Idaho Legislature, and the Session Laws of any Extraordinary Session, Fifty-eighth Idaho Legislature, in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Committee as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, as party of the second part, be, and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution, in words and figures following, to wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 1st day of February, 2005, by and between the Speaker of the House of Representatives, Bruce Newcomb, and the President Pro Tempore of the Senate, Robert L. Geddes, the Joint Committee of the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said party of the first part and written bid submitted to the said party of the first part by the party of the second part, contract for legislative printing is hereby awarded to said THE CAXTON PRINTERS, LTD., as follows:

SESSION LAWS

For printing and binding six hundred fifty (650) copies of the Session Laws of the First Regular Session of the Fifty-eighth Idaho Legislature and for printing and binding six hundred fifty (650) copies of the Session Laws of the Second Regular Session of the Fifty-eighth Idaho Legislature and the Session Laws of any Extraordinary Session of the Fifty-eighth Idaho Legislature: Seventeen dollars and seventy-five cents (\$17.75) per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished to party of the second part, plus eight dollars and thirty-five cents (\$8.35) per volume for binding. For pages requiring reduction shots, an additional seven dollars (\$7.00) per page charge. Each volume to be Smythe sewed, rounded and backed with suitable headbands and Roxite Library Buckram over a 15 point Red Label Davey Board. The party of the second part shall provide an additional quantity to be made available to the general public at forty-six dollars (\$46.00) per single volume, and fifty-nine dollars (\$59.00) per set of two volumes, if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 2005, shall

be included in the Session Laws of the First Regular Session, or if adjourned prior to June 1, 2006, shall be included in the Session Laws of the Second Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid dated January 31, 2005, by party of the second part, and in compliance with the statutes of the State of Idaho where not otherwise provided, such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

The Session Laws shall be printed and made available for distribution within sixty (60) days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within thirty (30) days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of fifty dollars (\$50.00) per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by Concurrent Resolution has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Bruce Newcomb

BRUCE NEWCOMB, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Debbie Field

DEBBIE FIELD, Chairman

By /s/ Robert L. Geddes

ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington

DENTON DARRINGTON, Chairman

Party of the Second Part

THE CAXTON PRINTERS, LTD.

By /s/ Dave Gipson

DAVE GIPSON, Vice President

HCR 7 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 104, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

SCR 105, by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 127
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO SHERIFFS; REPEALING SECTION 31-2224, IDAHO CODE, APPLICABLE TO WRITTEN TRANSFERS ACKNOWLEDGED BY NEW SHERIFFS.

**HOUSE BILL NO. 128
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO DEATH INVESTIGATIONS; REPEALING SECTION 19-4301, IDAHO CODE, APPLICABLE TO DEATH INVESTIGATIONS BY COUNTY CORONERS; AND AMENDING CHAPTER 43, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-4301, IDAHO CODE, TO PROVIDE FOR THE INVESTIGATION OF DEATHS BY CORONERS, SHERIFFS AND CHIEFS OF POLICE.

**HOUSE BILL NO. 129
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO RETIREMENT QUALIFICATIONS; AMENDING SECTION 59-1303, IDAHO CODE, TO INCLUDE PROSECUTING ATTORNEYS AND DEPUTY PROSECUTING ATTORNEYS WITHIN THE DEFINITION OF POLICE OFFICER STATUS FOR PURPOSES OF RETIREMENT ELIGIBILITY.

**HOUSE BILL NO. 130
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO RECORDS EXEMPT FROM

DISCLOSURE; AMENDING SECTION 9-335, IDAHO CODE, TO CLARIFY THAT A MOTOR VEHICLE COLLISION REPORT IS NOT AN INVESTIGATORY REPORT EXEMPT FROM DISCLOSURE.

**HOUSE BILL NO. 131
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO COUNTY FEES; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201G, IDAHO CODE, TO SET FORTH FEES FOR THE ESTABLISHMENT OF A GUARDIANSHIP PILOT PROJECT FUND, TO PROVIDE FOR THE ADMINISTRATION AND DISBURSEMENT OF FUND MONEYS AND TO REQUIRE AN ANNUAL REPORT; PROVIDING A SUNSET DATE AND PROVIDING FOR DISTRIBUTION OF FUND MONEYS.

**HOUSE BILL NO. 132
BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-201, IDAHO CODE, TO PROVIDE THAT ALL METHODS OF TAKE SHALL BE AUTHORIZED FOR THE MANAGEMENT OF WOLVES IN ACCORDANCE WITH EXISTING LAWS OR APPROVED MANAGEMENT PLANS REGARDLESS OF THE CLASSIFICATION ASSIGNED TO WOLVES.

**HOUSE BILL NO. 133
BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1101, IDAHO CODE, TO CLARIFY THAT SPECIFIED LAW SHALL NOT LIMIT OR PROHIBIT THE LAWFUL CONTROL OF WOLVES THROUGH THE USE OF HELICOPTERS IF DEEMED NECESSARY BY FEDERAL OR STATE AGENCIES IN ACCORDANCE WITH EXISTING LAWS OR MANAGEMENT PLANS.

**HOUSE BILL NO. 134
BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE THE SCHEDULE OF LICENSE FEES; AMENDING SECTION 36-306, IDAHO CODE, TO REVISE THE VENDOR ISSUANCE FEE; AND AMENDING SECTION 36-602, IDAHO CODE, TO REVISE THE EXPIRATION DATE FOR TAXIDERMIST AND FUR BUYER'S LICENSES.

**HOUSE BILL NO. 135
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO ARCHITECTS; AMENDING SECTION 54-309, IDAHO CODE, TO REVISE AN EXEMPTION APPLICABLE TO THE RENDERING OF ARCHITECTURAL SERVICES FOR CERTAIN BUILDINGS.

HOUSE BILL NO. 136
BY BUSINESS COMMITTEE
AN ACT

RELATING TO FIRE INSURANCE; AMENDING SECTION 41-2401, IDAHO CODE, TO PROVIDE PROOF OF MAILING OF NOTICE OF CANCELLATION OF A FIRE INSURANCE POLICY, OR OF INTENTION NOT TO RENEW, OR OF REASONS FOR CANCELLATION OR NONRENEWAL TO THE NAMED INSURED AT HIS ADDRESS SHALL BE SUFFICIENT PROOF OF NOTICE.

HOUSE BILL NO. 137
BY BUSINESS COMMITTEE
AN ACT

RELATING TO HOMEOWNER'S ASSOCIATION LIENS; AMENDING SECTION 45-810, IDAHO CODE, TO PROVIDE FOR SPECIAL ASSESSMENTS AGAINST REAL PROPERTY FOR THE ENFORCEMENT OF A RULE, REGULATION, COVENANT, CONDITION OR RESTRICTION OF THE HOMEOWNER'S ASSOCIATION.

HOUSE BILL NO. 138
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE BOARD OF ARCHITECTURAL EXAMINERS; AMENDING SECTION 54-312, IDAHO CODE, TO PROVIDE THAT COMPENSATION OF BOARD MEMBERS SHALL BE CONSIDERED SALARY FOR PURPOSES OF PARTICIPATION IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.

HOUSE BILL NO. 139
BY BUSINESS COMMITTEE
AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1016, IDAHO CODE, TO PROVIDE ADDITIONAL EXEMPTIONS FROM THE PROVISIONS OF ELECTRICAL CONTRACTING LAW FOR SPECIFIED PERSONS, ENTITIES AND EMPLOYEES PERFORMING SPECIFIED WORK.

HOUSE BILL NO. 140
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5002, IDAHO CODE, TO PROVIDE AN EXCEPTION FROM THE CERTIFICATE OF COMPETENCY REQUIREMENTS FOR CERTAIN ENTITIES WHEN PERFORMING SPECIFIED TYPES OF WORK; AND AMENDING SECTION 54-5007, IDAHO CODE, TO DELETE THE REQUIREMENT FOR PROVIDING A BOND AND TO REQUIRE PROOF OF LIABILITY INSURANCE AS A REQUIREMENT FOR ISSUANCE OF A CERTIFICATE OF COMPETENCY.

HOUSE BILL NO. 141
BY BUSINESS COMMITTEE

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1003A, IDAHO CODE, TO REQUIRE ELECTRICAL CONTRACTORS AND SPECIALTY ELECTRICAL CONTRACTORS TO PROVIDE PROOF OF LIABILITY INSURANCE AND PROOF OF WORKER'S COMPENSATION INSURANCE, IF APPLICABLE, PRIOR TO BEING ISSUED A LICENSE; AND AMENDING SECTION 54-1013, IDAHO CODE, TO REQUIRE ELECTRICAL CONTRACTORS AND SPECIALTY ELECTRICAL CONTRACTORS TO PROVIDE PROOF OF LIABILITY INSURANCE AND PROOF OF WORKER'S COMPENSATION INSURANCE, IF APPLICABLE, PRIOR TO BEING ISSUED A LICENSE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 142
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO TAXATION AND TO THE ENACTMENT OF THE IDAHO CORPORATE HEADQUARTERS INCENTIVE ACT OF 2005; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 29, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE AN ADDITIONAL INCOME TAX INVESTMENT CREDIT FOR CERTAIN QUALIFIED INVESTMENTS AND LIMITATIONS THEREON, TO PROVIDE AN INCOME TAX CREDIT FOR CERTAIN REAL PROPERTY IMPROVEMENTS AND LIMITATIONS THEREON, TO PROVIDE AN ADDITIONAL NEW JOBS CREDIT FOR CERTAIN EMPLOYMENT AND LIMITATIONS THEREON, TO AUTHORIZE THE STATE TAX COMMISSION TO ADOPT ADMINISTRATIVE RULES RELATING TO S CORPORATIONS, PARTNERSHIPS, ESTATES AND TRUSTS, AND RELATING TO REORGANIZATIONS, MERGERS AND LIQUIDATIONS, TO ESTABLISH LIMITATIONS, TO PERMIT SHARING OF CREDITS AMONG TAXPAYERS INCLUDED IN A COMBINED REPORT OF INCOME, TO PERMIT CARRYOVERS OF UNUSED CREDITS, TO PROVIDE FOR RECAPTURE OF INCOME TAX CREDITS IN CASE OF FAILURE TO MEET AND MAINTAIN DESIGNATED REQUIREMENTS, TO PROVIDE FOR A REBATE OF SALES AND USE TAXES PAID ON QUALIFIED PROJECTS AND TO PROVIDE FOR RECAPTURE OF REFUND IN CASE OF FAILURE TO MEET AND MAINTAIN DESIGNATED REQUIREMENTS, TO PROVIDE FOR A REBATE OF CERTAIN PROPERTY TAXES PAID ON QUALIFIED PROJECTS AND TO PROVIDE LIMITATIONS THEREON, TO PROVIDE FOR RECAPTURE OF THE REBATE IN CASE OF FAILURE TO MEET AND MAINTAIN DESIGNATED REQUIREMENTS AND TO PROVIDE FOR ADMINISTRATION BY THE STATE TAX COMMISSION; AMENDING SECTION 63-3067, IDAHO CODE, TO PROVIDE A CONTINUOUS APPROPRIATION OF INCOME TAX RECEIPTS TO FUND CERTAIN PROPERTY TAX REBATES; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

H 127, H 128, H 129, H 130, H 131, H 132, H 133, H 134, H 135, H 136, H 137, H 138, H 139, H 140, H 141, and H 142 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1019, by Schroeder, was introduced, read the first time by title, and referred to the Education Committee.

S 1032 and **S 1033**, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1013, S 1014, S 1016, and S 1040, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mrs. Field(18) asked unanimous consent that **H 1** be placed on General Orders for consideration. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 9, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:26 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk